

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

LEON NOWALINSKI  
40 Cadwallader Court  
Yardley, PA 19067

vs.

ROBERT WOOD JOHNSON  
UNIVERSITY HOSPITAL AT  
HAMILTON, INC.  
One Hamilton Health Place  
Hamilton, NJ 08690

CIVIL ACTION NO.

JURY TRIAL DEMANDED

**COMPLAINT AND DEMAND FOR JURY TRIAL**

1. Jurisdiction in this action is based on diversity of citizenship in that plaintiff, Leon Nowalinski, is a citizen of the Commonwealth of Pennsylvania, defendant, Robert Wood Johnson University Hospital at Hamilton, Inc., is a business entity in the State of New Jersey.

2. Plaintiff, Leon Nowalinski, is an individual and is sui juris and resident of the Commonwealth of Pennsylvania.

3. Jurisdiction is based on Diversity of Citizenship and on the fact that the value of plaintiffs' claims is greater than \$150,000.00.

**COUNT ONE: LEON NOWALINSKI VS. ROBERT WOOD JOHNSON  
UNIVERSITY HOSPITAL AT HAMILTON, INC.**

4. On or about February 26, 2007, plaintiff was admitted into defendant's facility.

5. While plaintiff was an inpatient at defendant facility, plaintiff was negligently treated, causing a decubitus ulcer so as to cause plaintiff to suffer severe and debilitating pain and to further suffer complications, injuries and conditions which have caused him a great deal of physical and emotional pain.

6. During the time aforesaid, Defendant by and through their agents, servants, workmen, and/or employees acted in a negligent manner and provided care to the Plaintiff which fell below the standard required of medical providers providing the aforesaid procedures and follow-up care.

7. As a result of the negligence, carelessness and omissions of defendants, plaintiff now

suffers from impaired mobility and chronic pain, the acts of the defendant by and through their agents, servants, workmen and/or employees are as follows:

(a) failing to properly, fully and adequately treat plaintiff, Leon Nowalinski, for the conditions for which medical attention was sought;

(b) failing to properly, carefully and timely use and perform on the plaintiff, Leon Nowalinski, proper training, tests, preventative measures, medications, examinations, medicines, medical treatments and/or surgical procedures;

(c) failing to use the required amount of skill in the performance and administration of said tests, medications, examinations, medicines, medical treatments and/or surgical procedures;

(d) failing to adequately, properly and/or timely diagnose the condition of the plaintiff, Leon Nowalinski;

(e) improperly diagnosing the condition of plaintiff, Leon Nowalinski;

(f) performing unnecessary, incorrect and/or improper procedures, medical and/or surgical, upon the person of the plaintiff, Leon Nowalinski;

(g) failing to perform the requisite tests and procedures to correctly diagnose the condition of the plaintiff, Leon Nowalinski;

(h) failing to properly and/or timely prescribe or supply medication and/or medical attention to the plaintiff, Leon Nowalinski;

(i) failing to properly advise and warn plaintiff, Leon Nowalinski, of the condition from which said plaintiff suffered;

(j) failing to properly advise and warn plaintiff, Leon Nowalinski, of the condition or conditions which plaintiff might develop and did develop which defendant knew or should have known would or might have taken place;

(k) failing to exercise the proper skill, diligence, due care and caution under all of the circumstances;

(l) failing to direct and require the attention, advice and installation to qualified and competent specialists to undertake and perform the surgery and/or administer medical care upon the plaintiff, Leon Nowalinski;

(m) being otherwise negligent under the circumstances; and thereby subjecting plaintiff, Leon Nowalinski, to a substantially increased risk of harm.

8. Plaintiff, Leon Nowalinski, makes claim herein for such injuries, damages and consequences of which he has no present knowledge.

9. By reason of the injuries sustained, plaintiff has been and may in the future continue to be required to expend various sums of money for medicine and medical treatment in and about endeavoring to treat and cure himself of his injuries.

10 By reason of the injuries sustained, plaintiff has and may continue to suffer great pain and agony, mental anguish and humiliation and has been and may in the future be hindered from attending to his daily duties, functions and occupation, all to his great damage and loss.

11. By reason of the injuries sustained, plaintiff has incurred a loss of his earnings and earning capacity, all to his great damage and loss.

WHEREFORE, Plaintiff, Leon Nowalinski, demands judgment for damages against the defendants in amounts in excess of \$150,000.00.

**COUNT TWO: LEON NOWALINSKI VS. ROBERT WOOD JOHNSON  
UNIVERSITY HOSPITAL AT HAMILTON, INC.**

12. Plaintiff herewith repeats all the allegations made in the previous paragraphs as though same were fully set forth herein at length.

13. Defendant, Robert Wood Johnson University Hospital at Hamilton, Inc. by and through their agents, servants, workmen, and/or employees provided care and treatment of the Plaintiff, Leon Nowalinski.

14. At all times relevant hereto, the agents, servants, workmen and/or employees of Robert Wood Johnson University Hospital at Hamilton, Inc. were acting in the scope of their employment of defendant, Robert Wood Johnson University Hospital at Hamilton, Inc..

15. Defendant, Robert Wood Johnson University Hospital at Hamilton, Inc. are vicariously liable for the acts, commissions, or omissions of their agents, servants, workmen and/or employees. In the alternative, Robert Wood Johnson University Hospital at Hamilton, Inc. is responsible for the

negligent acts or omissions of their agents, servants, workmen and/or employees.

16. Robert Wood Johnson University Hospital at Hamilton, Inc. is liable to the acts aforesaid as a matter of corporate liability.

WHEREFORE, plaintiff, Leon Nowalinski, demands judgment for damages against the defendants in amounts in excess of \$150,000.00.

LAW OFFICES OF JAMES R. RADMORE, P.C.

A handwritten signature in black ink, appearing to be 'JR', is written over a horizontal line.

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